



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/525,369	03/15/2000	Ken Xie	9967-003-999	9378
26181	7590	11/21/2003	EXAMINER	
FISH & RICHARDSON P.C. 500 ARGUELLO STREET, SUITE 500 REDWOOD CITY, CA 94063			WRIGHT, NORMAN M	
			ART UNIT	PAPER NUMBER
			2134	7
DATE MAILED: 11/21/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/525,369	XIE ET AL.	
	Examiner	Art Unit	
	Norman M. Wright	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

NORMAN M. WRIGHT
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. New corrected drawings are required in this application because applicant has submitted informal drawings. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

2. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Art Unit: 2134

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because it contains statements of it purported merits. Correction is required. See MPEP § 608.01(b).

The attempt to incorporate subject matter into this application by reference to several product data sheets is improper because it should be listed as an appendix to the specification or as references on a PTO 1449.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Shwed, U.S. Pat. No. 5,606,668, hereinafter '668 in view of Applicant's admitted prior art, hereinafter 'aapa.

7. As per claims 1-4, 8-9, 14-16 and 18, Shwed '668 teaches the invention of a system, method, and a computer software program product/virtual machine for securing inbound and outbound data packet flow comprising: a firewall, a first engine/firewall, a first set of rules, sorting packets, initially allowed/accepted packets, initially denied/rejected packets, and further sorting for allowed and denied packets, exacting parameters, dynamically generate[ing] rules, fixed rules, second engine/firewall/control module, (figs. 2-3D, and 4-10, col. 1, lines 35 et seq., col. 2, lines 10-28 et seq., col. 3, lines 45-50 et seq., col. 4, lines 30-40 et seq., col. 3, lines 65 et seq., col. 4, lines 16-18, and cols. 5-6). Not explicitly taught is the ASCII for interfacing with the firewall.

8. Aapa, teaches the fundamental structure of a firewall and an ASIC for providing the framework in either hardware, software, or firmware (see, fig. 2A, and detailed description, pg. 2, lines 26-29). It would have been obvious to one of ordinary skill in the art at the time of the invention, to modify the invention of '688 by incorporating the use of ASICs into '668 firewall's system, because, it is the convention. One of ordinary skill in the art would have been motivated to perform such a modification because the firewall must inherently have a means to store and communicate with a ASCII that has access to the rules by which the firewall operates. One of ordinary skill in the art would have realized that by incorporating the use of ASICs, one could obtain the benefits of having a flexible and generic means to program and access the require information needed to operate a firewall, as suggested by aapa (pg. 2).

9. As per claims 5-6, 10-12, 17, 19-20, '688 teaches the use of packets requiring modification (figs. 2-4, and 9-15, col. 3, lines 44 et seq.,), by performing address

translation on packets to be routed over the internet or intranets, dynamic analyzer (table 1, col. 8-10), .

10. As to claims 7 and 13, '688 does not explicitly teach sending a reset packet. It is notoriously well known in the data processing art to send/request a reset packet if a system times out. Official notice is taken of both the motive and the modification needed to request a reset packet from a source. One of ordinary skill in the art would have been motivated to augment the system of '688 with a reset request means for a packet. One of ordinary skill in the art would have been motivated to perform such a modification because, it is the convention in the data processing art, and further because, the invention of '668 utilizes a number of timeouts to keep track of sessions connectivity and the number of packets processed or inspected/etc. Therefore, the system of '688 would have to have a reset means in order to communicate the status of the system as well as reset and end the filtering process for the next packets. The use of resets is notoriously well known in the data processing arts.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Norman M. Wright at telephone number (703) 305-9586.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norman M. Wright whose telephone number is (703)

Art Unit: 2134

305-9586. The examiner can normally be reached on Tuesdays-Fridays from 8am to 5 pm, and on alternating Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse, can be reached on (703) 308-4789. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7240.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900


11/17/13
NORMAN M. WRIGHT
PRIMARY EXAMINER